

REMARKS

The Office Action dated October 22, 2004 has been carefully considered. In response to the Office Action, Applicants have amended the application. Applicants request that the Examiner consider the following remarks, and then pass the application to allowance.

Pending Claims

Claims 47-74 are pending.

Art Rejection Under 35 U.S.C. § 102(e)

In the Office Action, claims 47-53, 55-62 and 64-74 were rejected under 35 U.S.C. § 102(e) as being anticipated by Slivka et al., (U.S. Pat. No. 6,061,695). Applicants disagree with this rejection and incorporate into this Response their previous Response filed May 11 ,2004.

Additionally, Applicants have amended independent claims 47, 56 and 66 to recite the novel and unobvious aspects of the present invention. Specifically, the independent claims have been amended to describe that the common theme is correlated to an index of the recordable media. Applicants respectfully submit that Slivka does not disclose the common theme being correlated to the index of the recordable media.

As understood, Slivka discloses enhancements to the desktop of an operating system's graphical user interface. The enhancements are contained within a template that is processed and displayed on the desktop. The template contains

document data for output in the synthesized documents that cause embedding of a software object in the displayed view of the synthesized document.

Applicants respectfully submit that Slivka does not teach or suggest that the common theme is correlated to an index of the recordable media as presently claimed. Slivka discloses presenting elements to the user interface in a multi-media format. There is no discussion within Slivka for the proposition that a common theme of the elements is correlated to an index of a recordable media. In fact, Slivka is not concerned with the recording of the media such that it is not contemplated in Slivka that the theme of the elements would be correlated to an index.

As the Examiner is well aware, each and every claimed element must be disclosed by Slivka for the rejection under 35 U.S.C. § 102 to be valid. However, Slivka does not disclose the common theme correlated to an index of the recordable media because Slivka is not concerned with the recording of information. As such, Applicants respectfully submit that independent claims 47, 56 and 66 are not anticipated by Slivka and are in condition for allowance. Furthermore, Applicants respectfully submit that claims 46-55, 57-65 and 67-74 are in condition for allowance as being based upon a respective allowable base claim.

Art Rejection Under 35 U.S.C. § 103(a)

In the Office Action, claims 54 and 63 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Slivka in view of Johnston Jr. et al., (U.S. Pat. No. 5,959,624). In view of the preceding discussion, Applicants respectfully submit that claims 54 and 63 are in condition for allowance as being dependent upon a respective allowable base claim.

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance. Such allowance is respectfully requested.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call Applicants' representative at the telephone number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: January 13, 2005

By: 
Eric K. Proul
Registration No. 45,025

P.O. Box 1404
Alexandria, Virginia 22313-1404
(650) 622-2300